

LEVY, PHILLIPS & KONIGSBERG, LLP

**ATTORNEYS AT LAW
800 THIRD AVENUE
NEW YORK, N.Y. 10022**

MEMO ENDORSED

**NEW JERSEY OFFICE
QUAKERBRIDGE EXECUTIVE CENTER
101 GROVERS MILL ROAD
LAWRENCEVILLE, NJ 08648
TELEPHONE: (609) 720-0400
FAX: (609) 720-0457**

**(212) 605-6200
FAX: (212) 605-6290
E-MAIL: lpk@lpklaw.com**

**GOSHEN OFFICE
42 PARK PLACE
GOSHEN, NEW YORK 10924
TELEPHONE: (845) 294-2002**

September 20, 2012

VIA FACSIMILE (914) 390-4278

Honorable Cathy Seibel
United States District Judge
300 Quarropas Street
White Plains, NY 10601-4150

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #

FILED: 9/21/12

Re: Clinton v. Brown & Williamson Holdings, Inc., 05-Civ-9907(CS)(LMS)

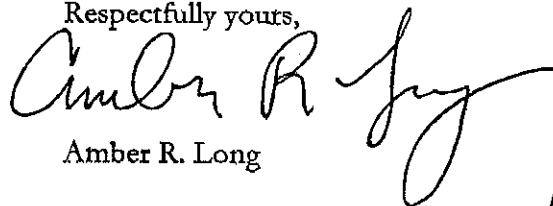
Dear Judge Seibel:

I write on behalf of Plaintiff in the above captioned case to inform the Court that because Steven Phillips is no longer a partner at Levy Phillips & Konigsberg, Jerome Block is once again lead trial counsel for Plaintiff in this case.

I also write to request the Court's permission to divide Plaintiff's opening statement between Mr. Block and myself. As each of us will address different topics, the opening statement will not be cumulative and we will avoid duplicating each other's presentations.

I have already spoken to counsel for both Defendants, and they have indicated they have no opposition to this request. Likewise, should counsel for either Defendant wish to similarly divide its opening between two attorneys, Plaintiff will not object.

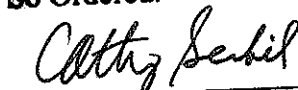
Respectfully yours,



Amber R. Long

cc: Harold K. Gordon (via email)
Robert Iscaro (via email)
Thomas J. Quigley (via email)
Jennifer Malin (via email)

**Application Granted / Denied on this condition
So Ordered.**



Cathy Seibel, U.S.D.J.

Dated: 9/20/12

{00289626.DOCX}

TELECOPIER COVER LETTER**LEVY PHILLIPS & KONIGSBERG, LLP****800 Third Avenue, 13th Floor****New York, New York 10022****Telephone: (212) 605-6200****Facsimile: (212) 605-6290****NAME OF SENDER: Amber R. Long, Esq. DATE Sept. 20, 2012****RE: Clinton v. Brown & Williamson Holdings, Inc. 05-Civ-9907****PLEASE DELIVER THE FOLLOWING PAGES TO:****The Honorable Cathy Seibel
UNITED STATES DISTRICT COURT****Fax No.: (914) 390-4278**

WE ARE TRANSMITTING 2 PAGES (including transmittal sheet) IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CONTACT THE SENDER LISTED BELOW AS SOON AS POSSIBLE AT (212) 605-6283. NAME OF CONTACT PERSON: MAILROOM. THIS FACSIMILE TRANSMISSION CONTAINS CONFIDENTIAL AND/OR PRIVILEGE INFORMATION FROM THE LAW FIRM LEVY PHILLIPS & KONIGSBERG AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) NAMED ON THE TRANSMISSION SHEET. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING DISTRIBUTION OF THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS FACSIMILE TRANSMISSION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO THAT WE CAN ARRANGE FOR THE RETURN OF THE DOCUMENTS TO US AT NO COST TO YOU.